

Scott A. Harford, Esq.
LYNCH DASKAL EMERY LLP
264 West 40th Street
New York, New York 10018
(212) 302-2400

NEW YORK
COUNTY CLERK'S OFFICE

MAR 28 2007

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Attorneys for Plaintiffs Lisa Kurtz and Norman Kurtz

NEW YORK STATE PHOSPHO-SODA
PRODUCTS LIABILITY LITIGATION

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
LISA KURTZ and NORMAN KURTZ,

Plaintiffs,

-against-

C.B. FLEET HOLDING COMPANY,
INCORPORATED, C.B. FLEET COMPANY,
INC., GENOVESE DRUG STORES, INC.,
ECKERD CORPORATION, and ECKERD
STORE # 5605,

Defendants.
-----X

Index No.: 104208/07
Panel Case No.: 0005/2005

SUMMONS WITH NOTICE

Plaintiffs designate New York County
as the venue for trial. Venue is based
upon the March 28, 2006 Decision and
Order of the State of New York
Litigation Panel.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice
of appearance on plaintiffs' attorneys, Lynch Daskal Emery LLP, within twenty (20) days
after the service of this summons, exclusive of the day of service (or within thirty (30)
days after the service is complete if this summons is not personally delivered to you
within the State of New York); and in case of your failure to appear, judgment may be


taken against you by default for the relief demanded in the notice set forth below, plus interest, together with the costs and disbursements of this action.

PLEASE TAKE NOTICE that this is a products liability action for damages resulting from plaintiff Lisa Kurtz's use of Fleet Phospho-soda in or about February 2003 which resulted in injury to her kidneys. Plaintiff did not know or have any reason to know the cause of her subsequent diagnosis of chronic kidney failure until some point within the last year. Defendants' actions constituted negligence, breach of express warranty, breach of implied warranty, and fraud and deceit, and defendants are strictly liable for their actions.

PLEASE TAKE FURTHER NOTICE that, in the case of your failure to appear, judgment may be taken against you in the amount of at least \$15,000,000 in compensatory damages and \$75,000,000 in punitive damages, plus interest from the date of defendants' wrongful conduct, together with the costs and disbursements of the action.

Dated: New York, New York
March 28, 2007

LYNCH DASKAL EMERY LLP
Attorneys for Plaintiff Lisa Kurtz

By: 
Scott A. Harford, Esq.
264 West 40th Street
New York, New York 10018
(212) 302-2400

Names and addresses of defendants to be served:

C.B. Fleet Holding Company, Incorporated
4615 Murray Place
Lynchburg, VA 24502

C.B. Fleet Company, Inc.
4615 Murray Place
Lynchburg, VA 24502

Genovese Drug Stores, Inc.
C/O CT Corporation System
111 Eighth Avenue
New York, NY 10011

Eckerd Corporation
C/O CT Corporation System
111 Eighth Avenue
New York, NY 10011

Eckerd Store #5606
273 Pine Hollow Road
Oyster Bay, NY 11771